

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
WEST VIRGINIA, MARTINSBURG DIVISION**

HOMELAND TRAINING CENTER, LLC,

Plaintiff,

v.

Civil Action No. 3:07-cv-160

Judge Bailey

**SUMMIT POINT AUTOMOTIVE RESEARCH
CENTER, LLC** individually and in its capacity as trustee
of the **WILLIAM SCOTT INTER VIVOS TRUST**

Defendants/Third-Party Plaintiff,

v.

HOMELAND SECURITY CORPORATION,

Third-Party Defendant.

JOINT MOTION TO AMEND SCHEDULING ORDER

The parties, jointly and by counsel, state as follows:

1. On September 15, 2010, pursuant to previous agreements by the parties which were approved by the Court, Defendants Summit Point Automotive Research Center, LLC and the William Scott Inter Vivos Trust ("SPARC") disclosed its list of 12 named expert and opinion witnesses, along with four additional fact witnesses. Four of the expert witnesses provided full Rule 26(a)(2) expert reports.

2. The present discovery cut off date is October 1, 2010. The Plaintiff, Homeland Training Center, LLC ("HTC") has asked SPARC for more time in which to take the depositions of SPARC's expert and opinion witnesses. SPARC has offered to make these witnesses available for depositions up to the date of trial, but HTC's counsel has advised that prior commitments and the volume of work to be completed make the scheduling of all of SPARC's witnesses for deposition prior to trial difficult, and HTC believes, likely impossible. The depositions need to be completed in advance of the pretrial conference and pretrial motions deadline to allow for any issues relating to their testimony to be timely raised by Motion. SPARC has also requested to take additional depositions of HTC witnesses, which the parties are attempting to schedule. HTC previously worked with SPARC to schedule the depositions of HTC's witnesses in a manner (including order and timing) reasonably convenient to SPARC's counsel.
3. SPARC is willing to give HTC more time to conduct depositions. However, in order for the depositions to be conducted in a reasonable manner (with time allocated for travel to deposition sites across the country and other obligations of counsel), HTC advises that it will be necessary to move the trial date given the number of depositions yet to be conducted (14 to 16 in total by both parties). SPARC, in an effort to accommodate Plaintiff's counsel, is prepared to agree to a short extension of the trial date as set forth in this motion.
4. HTC believes and asserts that, as shown above, there is "cause" to continue the trial and discovery dates in this matter and SPARC is willing to cooperate with HTC. Therefore, the parties, pursuant to the agreement described in this Motion, and in

accord with the agreement described in this motion, ask this Honorable Court to move the current November 16, 2010 trial date either to the week of December 13, 2010, or to a date in January, 2011.

Respectfully submitted,

Plaintiff, by counsel:

/s/ J. H. Mahaney, Esquire.

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Defendant, by counsel:

/s/ Wm. Richard McCune, Jr., Esquire (with permission).

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Peter L. Chakmakian (WV Bar #687)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

**HOMELAND TRAINING CENTER, LLC,
A Tennessee Limited Liability Company,**

Plaintiff,

v.

CIVIL ACTION NO: 3:07-cv-160

**SUMMIT POINT AUTOMOTIVE RESEARCH
CENTER, a West Virginia Limited Liability
Company, individually and in its capacity as
Trustee of the William Scott Inter Vivos Trust,
and the WILLIAM SCOTT INTER VIVOS
TRUST,**

Defendants/Third-party Plaintiffs,

v.

HOMELAND SECURITY CORPORATION,

Third-party Defendant.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing "*Joint Motion to Amend Scheduling Order*", by electronic filing using the CM/ECF System, and by mailing a complete copy to all counsel of record, postage prepaid, in the regular course of the United States Mail, on the 27th day of September 2010 to:

Peter L. Chakmakian
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/s/ J.H. Mahaney